

Appl. No. 10/780,846
Docket No. 9527L
Amdt. dated August 23, 2007
Reply to Office Action mailed on May 23, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §103(a) Over Bustin (GB 1301198)

Claims 1, 3, 12, 14-16 and 18 have been rejected under 35 USC §103(a) as being unpatentable over Bustin (GB 1301198). This rejection is traversed. First, *Bustin* does not establish a *prima facie* case of obviousness because it does not teach or suggest all of the claim limitations of Claims 1, 3, 12, 14-16 and 18. Therefore, the claimed invention is unobvious and that the rejection should be withdrawn.

Bustin does not teach or suggest all of the claim limitations of Claims 1, 3, 12, 14-16, and 18 and, therefore, does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Specifically *Bustin* does not teach a sheet of material having at least one overlapped portion. The teachings of the reference relate to a tube of material which the Examiner has chosen to characterize as an overlapped sheet. The material of *Bustin* is a blown tube of material. The dynamics of separating a tube of material which completely encloses local areas cannot be said to be the same as the dynamics of handling a sheet of material overlapped upon itself and not completely enclosing local areas.

Applicant also submits that all embossed polyethylene materials do not inherently comprise strainable networks as is posited by the Examiner.

Rejection Under 35 USC §103(a) Over Meyer, et al., (US 6,394,652) in view of Bustin (GB 1301198)

Claim 1, 3, 12-16 and 18-19 has been rejected under 35 USC §103(a) as being unpatentable over Meyer, et al., (US 6,394,652) in view of Bustin (GB 1301198). This rejection is traversed because the combination of references is not proper.

Though each of the references deals with the handling of films, the *Bustin* reference deals with the handling of a film tube and that portion of the *Bustin* reference which the Office seeks to impose or combine with the teachings of *Meyer* to achieve a

Page 6 of 7

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combination coextensive with the claimed invention deals with a means for separating a tube of material which is not inherently applicable to an overlapped sheet of material due to the differences in the dynamics between an enclosed tube and a generally open structure of an overlapped sheet.

Rejection Under 35 USC §103(a) Over Meyer, et al., (US 6,394,652) in view of Bustin (GB 1301198) and Cronauer (US 5,09,069)

Claims 2, 4, 10, and 20 are rejected under 35 USC §103. *Cronauer* is added to *Meyer* and *Bustin* as teaching the use of air to inflate a bag via an air knife. The bags of *Cronauer* are fully formed and are not a sheet overlapped upon itself. The dynamics of a less constrained system are predictable from the dynamics of a more constrained system.

Rejection Under 35 USC §103(a) Over Meyer, et al., (US 6,394,652) in view of Bustin (GB 1301198) Rowe, et al., LaFleur, et al., Yisha, et al., or the collective teachings of Hiramoto, et al., Henaux, Adelman, and Muller.

Claims 2, 4-9, 10-11, 17, and 19-20 are rejected under 35 USC §103. None of the additional references cures the underlying lack of adequacy of disclosure of the *Bustin* and *Meyer* references alone and in combination.

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, reconsideration of this application, and allowance of the pending claim(s) are respectfully requested.

Respectfully submitted,

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By


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